FOR MYSORE STATE

Rural welfare (1953) Department.

MS SERIES.

G.O. NO. 1091

Dated 29-8-53

Passed

Supdt.

[Despatch Abstract.]

H.R. & C.E. O.P. no 105/49 - District Court - South Kanara - Sri Manjunathaswamy Dharmasthala - Puttur PK - South Kanara Dt - Commissioner appointed for examination of witnesses at Bangalore - deputation of Vakil on behalf of Addl CE (Adm) dept - Sanction accorded.

C.P. 32 - 14,67,656—21-3-52.

H.R. & C.E. (Adm) Department | Received ____ Registered ____

From (Name) Sri T.K. Sankaravadivelu I.A.S.,
Designation Commissioner, (in additional Charge)
Station MADRAS--17.

To
The Secretary to Government,
Rural Welfare Department,
Fort St. George,
Madras-9.

61/63

SECRETARIAT GOVERNMENT
Enclosures / LEGISLATIVE DEPARTMENT
28 AUG 1953
RURAL WELFARE DEPARTMENT

(D-4)
No. 19992/53-13 LGL, dated 28th August 1953.

Sir,

V.E

Take action urgently.
28/8

Sub: O.P. No. 105/49 - District Court - South Kanara - Sri Manjunatha temple - Dharmasthala Puthur Taluk - South Kanara District - Commissioner - appointed/examination of witnesses at Bangalore - Deputation of Vakil on behalf of Department - Sanction

Ref: From the Deputy Commissioner, Coimbatore, Letter No. 1400/51-20 B-3 Dated 27-8-1953.

* * * *

In the above O.P. filed by Sri D. Manjayya Hegde, Dharmasthala, to set aside the order of the H.R.E. Board declaring Sri Manjunatha temple, Dharmasthala as a temple as defined in Madras Act II of 1927, the District Court, South Kanara, has, on the application of the Petitioner, appointed a Commissioner to take the evidence of two witnesses at Bangalore as the two witnesses are residing over 200 miles away from the Court house.

Sri K.S. Hegde, Advocate, Mangalore, who is appearing for the Department has represented that the witnesses seem to be important ones and that they will have to be cross-examined, and has requested that arrangements may be made for their cross-examination at Bangalore on the date of Commission enquiry on behalf of the Department. Sri K.S. Hegde has further represented that he has no objection to go to Bangalore and cross-examine the witnessess, if he is given a special and additional fee of Rs.250/- and T.A. to and fro and requested for urgent instructions.

The temple named above is one of the most famous and big institutions in the District. Sri K.S. Hegde, Advocate, Mangalore is appearing for the Department in the

above O.P. from the beginning and he is well acquainted with the facts of the case and it is absolutely necessary that he should go to Bangalore and cross-examine the witnesses there.

I request that Government may be pleased to accord sanction for the engagement of Sri K.S. Hegde, Advocate to cross-examine the witnesses at Bangalore on a special and additional fee of Rs. 250/- and payment of T.A. to and fro. The Advocate has to be informed before 29.8.53 or 30th whether he is to go to Bangalore. I further request that orders may kindly be passed expeditiously.

D. Sankaravadivelu

COMMISSIONER 28/8/53
(in additional Charge)

28/8/53

CGN/28-8.

3 +

Submitted by S.M.

29.8.53
5 P.M.

R.W.V.

H.R and C.E. O.P. No 105/49 District Court - South Kanara - Sri Manjunatha Temple, Dharmasthala - Petition for South Kanara dist. Commissioner appointed for examination of witnesses at Bangalore - Deputation of Valid on behalf of H.R and C.E (Adm) dept - Sanction accorded.

—x—

Read the following:- From the Commr. H.R and C.E. (Adm) dept No 19992/53-13 Lgl (D. 4) dated 28.8.53.

—x—

Order 1091 R.W dated 29/8/53.
ms

In the circumstances reported by the Commissioner, H.R and C.E (Adm) dept in his reference cited, the Govt accord Sanction for the engagement of Sri K.S. Hegde, Advocate, Mangalore who is appearing for the H.R and C.E (Adm) dept in O.P. No. 105/49 relating to Sri Manjunatha Temple, Dharmasthala, South Kanara dist, to cross examine certain witnesses at Bangalore. ~~[For a special fee of Rs 250/- (Rupees two hundred and fifty only)]~~ He will be entitled to ~~also be paid~~ T.A at the rates laid down for Grade IV officers under M.T.A Rules.

2 The expenditure will be debited to "27 Administration of Justice - b. Law officers - D. Contingencies. Fees to Pleaders not in Govt Service and other charges - Voted".

3. Orders on the question of the fee payable to the Advocate for his work in this case will issue separately.

28/8

28.8.53

D.T.O.

DESPATCHED
dtd. 3 Sept.
24/8/53.

To
The Commr. H.R and C.E (Adm) dept Madras.

Copy to the A.G. through Fin (Exp) 28/8.
" to the Home dept

Sec (By name)

S/c S/c

DM/NCR/5/9

2 4

Col

Ch 11

NM: The draft order (unbl) Labour is submitted for approval. Home & Fin may advise whether the fee charged is reasonable. Fin may also see NM 5

28/8

28.8.53

28.8.53

28.8.53

172117

Home

Home (ch. III) Dept

RECEIPT SECRETARY TO GOVERNMENT 29 AUG HOME DEPARTMENT

Please see the reference from the Commr. (in charge), H.R. & C.E. (Adm) at pp 1-2 c.f. and the R.W. Dept's note above. The case has been sent to this Dept R.W.No. 61632 V/53-1 w.r. to the fee claimed by the Advocate Sri J.S. Hegde for his work. Though he is a private advocate, the fee claimed by him seems to be excessive. In the circumstances, he may be asked to proceed with his work now, in view of the urgency of the matter and the question of his fee decided later in consultation with the Collr. of South Kanara.

28/8/53 (Rec'd at 12. Noon)

The draft order overleaf may be accepted subject to the slight alteration indicated in pencil and the case passed on to Fin. The R.W. Dept. may be requested to send a copy of the Commr's ltr. on pp 1-2 c.f. to the Collr. of S. Kanara and ask him to suggest a reasonable fee for the work of Sri. Hegde.

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 69264 Rev 29 AUG 1953 FINANCE DEPARTMENT

DS 1/ Fin

29/8/53

29 Aug 53

Fin (Rev) Home 172117 (ch III)/53-1 29/8/53

The draft order overleaf may be accepted subject to the remarks of Home above

29/8/53

29/8/53

29/8/53

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 61961 29 AUG 1953 RURAL WELFARE DEPARTMENT

Rev No 69264 29/8/53

5 B.

Rw. 2

Please see the note of Hon'ble Court from comp. 2 and. for orders whether the impugned order as Annp. 2 and may be quashed. If so the draft order may be issued as annexed in pursuit.

Pltf. Comp. Annp 2 Comp.

The hon. bench may be apprised of the above.

29.8.93

8/9/93

Dy. Registrar (Judl.) 1.9.93

Issued as Memo No. 1091 R.W dated 29/8/93